UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/27/2021
GREVIL MARTINEZ et al,	: :
Plaintiffs,	· :
,	: 20-cv-7977 (LJL)
-V-	:
	: <u>ORDER</u>
JVA INDUSTRIES INC. et al,	:
	:
Defendants.	:
	:
	X

LEWIS J. LIMAN, United States District Judge:

The parties have filed a stipulation of voluntary dismissal, dismissing with prejudice the claims of FLSA Opt-in Jorge Quispe against defendants Joseph Alfano and JVA Industries Inc., with the dismissal presumably as part of a proposed settlement. *See* Dkt. No. 88. The case was brought pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq*. Under current Second Circuit law, any settlement—including any proposed attorney's fee award—must be scrutinized by the Court to ensure that it is fair. *See Fisher v. SD Protection Inc.*, 948 F.3d 593, 600 (2d. Cir. 2020); *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015).

Accordingly, it is hereby ORDERED that, on or before **January 20, 2022**, the parties must submit to the Court a joint letter explaining the basis for the proposed settlement and why it should be approved as fair and reasonable, with reference to the factors discussed in *Wolinsky v. Scholastic*, Inc., 900 F. Supp. 2d 332, 335-36 (S.D.N.Y. 2012). The letter should address any confidentiality provisions, non-disparagement provisions, or releases in the proposed settlement agreement. The letter should also address, if applicable, any attorney's fee award to plaintiff's counsel (with documentation to support the latter, if appropriate) consistent with the principles set forth in *Fisher*, 948 F.3d at 600. It is not sufficient to state the proportion of the requested

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attorney's fee to the overall settlement amount. Rather, the reasonableness of attorney's fees

must be evaluated with reference to "adequate documentation supporting the attorneys' fees and

costs," which "should normally [include] contemporaneous time records indicating, for each

attorney, the date, the hours expended, and the nature of the work done." Id.; see Strauss v. Little

Fish Corp., 2020 WL 4041511, at *9 (S.D.N.Y. July 17, 2020) (discussing the requirements for

adequately justifying an attorney's fee). Failure to provide the appropriate or sufficient

documentation could result in the Court rejecting the proposed fee award.

The parties are directed to appear telephonically for a settlement approval hearing on

January 27, 2022 at 12:00 p.m. Plaintiff Jorge Quispe shall appear at the hearing and, if

necessary, with an interpreter. The parties are directed to dial (888) 251-2909 and use the access

code 2123101.

SO ORDERED.

Dated: December 27, 2021

New York, New York

LEWIS J. LIMAN

United States District Judge

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